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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/691,264

10/22/2003

Jesse D. Crum

2003-10

5445

7590

08/07/2009

Ward/Kraft, Inc.
Attn: Stephanie Hay
2401 Cooper Street
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Fort Scott, KS 66701

EXAMINER

BATTULA, PRADEEP CHOUDARY

ART UNIT

PAPER NUMBER

3725

MAIL DATE

DELIVERY MODE

08/07/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/691,264	Applicant(s) CRUM, JESSE D.	
	Examiner PRADEEP C. BATTULA	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the reply filed on April 3, 2009

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lalande in view of Good, Rea, and MSDS.

Lalande teaches of a method of making a sheet of dry removable die cut tags 13 (Column 2, Lines 28 – 30, 41 – 49; Figure 1, Item 13) comprising providing a laminate consisting of a sheet of tag material (capable of being substantially UV transparent material) 16 and a carrier sheet 11 with the sheets being bonded to each other with adhesive 14 substantially over the entire surface (Column 2, Lines 15 – 28) and wherein when the tags are removed there is no adhesive on the tag (Column 2, Lines 23 - 24, 41 - 49).

Lalande does not disclose a carrier sheet of substantially UV-transparent material bonded to the laminate with UV curable adhesive and creating a frangible bond and die-cutting said sheet of tag material to form tags having a major portion and a minor portion fully contained within, but fully separated from, said major portion; and exposing said UV-curable adhesive to ultraviolet radiation through said carrier sheet, said ultraviolet radiation being of such a nature as to cause said adhesive to frangibly

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adhere to said tag material sheet; that upon removing said major portions of said tags from said laminate, said major portion separates from said laminate free of adhesive but said minor portion remains adhered to said carrier sheet.

Good discloses hang tags each of said tags having a major portion and a minor portion 15, with said major portion 16 having a surface area greater than the surface area of said minor portion (Figure 1, Items 15, and 16) and wherein upon removal of said major portion from said first layer, said minor portion does not remain adhered to said first layer but is meant to be removed from the first layer (Column 3, Lines 61 – 65). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the tags of Lalande with major and minor portions in order to allow for the tags to be hanged on a particular item.

Lalande modified by Good does not disclose a carrier sheet of substantially UV-transparent material bonded to the laminate with UV curable adhesive and creating a frangible bond and exposing said UV-curable adhesive to ultraviolet radiation through said carrier sheet, said ultraviolet radiation being of such a nature as to cause said adhesive to frangibly adhere to said tag material sheet; that upon removing said major portions of said tags from said laminate, said major portion separates from said laminate free of adhesive but said minor portion remains adhered to said carrier sheet.

Rea discloses a label having UV curable adhesive 4 wherein the adhesive is cured through a substantially UV top layer/carrier sheet 2 protecting and opposite of an indicia bearing face stock (Column 6, Lines 11 - 16; Column 7, Lines 5 – 12) which is able to allow UV radiation to pass through and allow for the adhesive to cure and create

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a label arrangement with a face stock 6 (Column 6, Lines 11 – 24, Column 7, Lines 21 – 34; Figure 1, Items 2,4,6) and carrier 2. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the adhesive and teachings of curing such adhesive as taught by Rea in order to provide Lalande with UV curable tags wherein when placing the top ply of labels one can readjust the top ply in case of error and then cure the adhesive.

Lalande modified by Good and Rea does not disclose wherein the major portion separates from said carrier sheet from of adhesive.

The previously provided MSDS teaches that the adhesive used by applicant was known at the time the invention was made and through the specification is UV cured and forms a completely frangible bond (both surfaces dry) upon a label being removed from a carrier. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to substitute the adhesive of Rea with the adhesive of the MSDS because the substitution of one known element (the UV adhesive of the MSDS) for another (the UV adhesive of Rea) would have been obvious to one of ordinary skill in the art at the time of the invention since the substitution of the UV adhesive of the MSDS would have yielded predictable results, namely, a tamper indication in the label of Rea and maintaining the same intent of Lalande of having no adhesive on the tag when removed from the base ply.

Response to Arguments

Applicant's arguments filed April 3, 2009 have been fully considered but they are not persuasive. The arguments which are based on Applicant's analysis of Figure 4 are respectfully disagreed with by the Examiner. Figure 4 of Good is just a cross section which just shows a side view of the invention at a midpoint of the invention. The adhesive is in fact throughout the release.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PRADEEP C. BATTULA whose telephone number is (571)272-2142. The examiner can normally be reached on Mon. - Thurs. & alternating Fri. 7:00AM - 4:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on 571-272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. C. B./
Examiner, Art Unit 3725
August 3, 2009

/Dana Ross/
Supervisory Patent Examiner, Art Unit 3725